

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.,)
)
Plaintiff,)
)
v.)
) C.A. No. 04-1507 (SLR)
BATH & BODY WORKS, INC.; LIMITED)
BRANDS, INC.; KAO BRANDS CO.)
(f/k/a THE ANDREW JERGENS)
COMPANY); and KAO CORPORATION,)
)
Defendants.)

THE KAO DEFENDANTS' NOTICE OF CROSS APPEAL

Please take notice that defendants Kao Corporation and Kao Brands Co. (f/k/a The Andrew Jergens Company) (collectively "Kao") cross appeal to the United States Court of Appeals for the Federal Circuit from the November 14, 2006 final judgment in their favor to the extent that it did not grant Kao's motion for summary judgment of non-infringement in its entirety and to the extent that it denied (1) Kao's motion for summary judgment of invalidity based upon a subsequent Board decision, (2) Kao's motion for summary judgment of invalidity based upon lack of written description and (3) Kao's motion to dismiss based upon lack of standing.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Arthur I. Neustadt
Stephen G. Baxter
Richard L. Chinn
Michael E. McCabe, Jr.
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314
Tel: (703) 413-3000
Fax: (703) 413-2220

Dated: December 27, 2006
769466 / 16138-788

By: /s/ David E. Moore

Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899-0951
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

*Attorneys for Defendants
Kao Corporation and
Kao Brands Co.*

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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on December 27, 2006, the attached document was hand-delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

Steven J. Balick
John G. Day
Ashby & Geddes
500 Delaware Avenue, 8th Floor
Wilmington, DE 19899

Francis G.X. Pileggi
Fox Rothschild LLP
919 Market Street
Suite 1300
Wilmington, DE 19801

I hereby certify that on December 27, 2006, I have Electronically Mailed the documents to the following:

Ronald J. Schutz
Robins, Kaplan, Miller & Ciresi L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402-2015
rjschutz@rkmc.com

Robert A. Auchter
Jason R. Buratti
Robins, Kaplan, Miller & Ciresi L.L.P.
1801 K Street, NW
Washington, DC 20006
rauchter@rkmc.com
jrburatti@rkmc.com

John F. Ward
Ward & Olivo
382 Springfield Avenue
Summit, NJ 07901
wardj@wardolivo.com

By: /s/ David E. Moore
Richard L. Horwitz
David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com